

JUDGE'S COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,
Plaintiff

v.

ROBERT W. MEYERS, et al.
Defendants

No. 01CV-00-00895

(M.J. Snyser)

FILED
HARRISBURG, PA

FEB 14 2001

MARY E. D'ANDREA, C
Per STB Deputy Clerk

REQUEST FOR AWARD OF EXPENSES OF MOTION, UNDER RULE 37

Plaintiff Terrance Montague request this Court, after opportunity for a hearing, require the party or deponent whose conduct necessitated plaintiff to file a "Motion for Order Compelling Discovery," and to consider the following.

Plaintiff's Motion was granted in part and denied in part. It was denied in part because the court misunderstood plaintiff's request, for the RNU log listing the names and/or institutional numbers of the inmates housed in the RNU in June of 2000, to mean that plaintiff was searching for witnesses, but where plaintiff wanted only to show that he was in the RNU among other inmates, this was in the alternative that Defendants did not come through with a true copy of the inmate move and/or assignment sheet and where this Court could have had this log submitted just to its self as evidence to confirm that plaintiff was in the RNU.

Dated: 2-12-01

Terrance Montague
Terrance Montague, 82-2767
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BRIEF IN SUPPORT

Rule 37 of the Federal Rules of Civil Procedure provides for Award of Expenses of Motion, that if the motion is granted, the court shall, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney's fees.

Dated: 2-12-01

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